

Message

From: Martinson, Mathew [martinson.mathew@epa.gov]
Sent: 3/31/2020 6:52:22 PM
To: Kenknight, Jeff [Kenknight.Jeff@epa.gov]; Contreras, Peter [Contreras.Peter@epa.gov]
Subject: RE: 1st draft of letter to states/Umatilla for initial feedback

Peter,

Happy to visit with you at noon as planned. However, just as a highlight, my general thoughts are:

- 1) Focus the letter by trimming out information that is available in other documents (i.e. source discussion). It's not that the background and summary are harmful but it makes it harder to get the take-away points, or provides opportunity for red-herring on a topic like sources.
- 2) Philosophically, I may be in a different spot, but I think we should be pressing them to show us (Missouri Rule) that we may be off the mark in our assessment of the information we've received.

EXAMPLE:

Several different sources indicate widespread contamination of individual wells. Summarizing the information included in the petition provided to EPA:

- The LUBGWMA Second Local Action Plan (2019) indicates 72 private wells with nitrates over the national primary drinking water standard. This report estimates that "30 – 40%" are contaminated, which means that the LUB GWMA is tracking 180-240 wells.
 - Four synoptic events covering 255 wells (including 56 private wells from the State's Real Estate Transaction database) show 48% of wells in LUBGWMA exceed nitrate standard.
 - According to OHA data collected through the real estate transaction database, 10 of 55 wells tested through real estate transactions have exceeded the nitrate primary drinking water standard at some point in the past 10 years. A sample tested at 3.7 times over the nitrate drinking water standard in 2017 (36.9 ppm).
-
- **Do you have better information regarding the number of drinking water wells and the number contaminated with nitrates over the 10 ppm level?**

 - **Do you have a program for the testing of individual domestic drinking water wells in Groundwater Management Areas associated with nitrate?**

 - **Do you have other information to suggest that a comprehensive understanding of well location and water quality in those wells is unnecessary for the protection of human health?**

Mathew J. Martinson, P.E., BCEE
CAPT, USPHS
Chief, Permitting, Drinking Water and Infrastructure Branch
U.S. EPA, Region 10
Phone: 206-553-6334 (Direct)

Ex. 6 Personal Privacy (PP)

 Cell)

From: Kenknight, Jeff <Kenknight.Jeff@epa.gov>
Sent: Monday, March 30, 2020 12:19 PM
To: Contreras, Peter <Contreras.Peter@epa.gov>; Martinson, Mathew <martinson.mathew@epa.gov>
Subject: RE: 1st draft of letter to states/Umatilla for initial feedback

Peter - thanks for taking an initial crack at this follow-up letter. I would recommend we limit the topics in this letter to private wells. Although we are not presently digging into sources or public water systems, we do need to be careful in what might be perceived as conclusory statements by the Agency on those two topics.

Jeff KenKnight

Chief, Water Enforcement and Field Branch
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Seattle, WA 98101
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From: Contreras, Peter <Contreras.Peter@epa.gov>
Sent: Friday, March 27, 2020 3:12 PM
To: Martinson, Mathew <martinson.mathew@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>
Subject: 1st draft of letter to states/Umatilla for initial feedback

Jeff & Mat, Here's a first draft of the letter. Rather than redline, I suggest you review for overall tone/content and provide general feedback so we can calibrate first.

If we are in agreement with the approach, I can work with Clarke, OECA & OGC for their input.

Let me know if you'd like to discuss.

Thanks,

Peter



Peter Contreras, Chief
Field, Data & Drinking Water Enforcement Section
Water Enforcement & Field Branch (20C-04)
Enforcement and Compliance Assurance Division
Seattle, WA (206) 553-6708

From: Martinson, Mathew <martinson.mathew@epa.gov>
Sent: Thursday, March 26, 2020 8:33 AM
To: Contreras, Peter <Contreras.Peter@epa.gov>
Cc: Barber, Anthony <Barber.Anthony@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: RE: LUBGWMA/Nitrates

Thanks. Am I tracking our collective status and next steps correctly?

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From: Contreras, Peter <Contreras.Peter@epa.gov>
Sent: Thursday, March 26, 2020 8:03 AM
To: Martinson, Mathew <martinson.mathew@epa.gov>
Cc: Barber, Anthony <Barber.Anthony@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: Re: LUBGWMA/Nitrates

Mat, I have a start on a letter and hope to get a 1st draft to share this week. I think we should wait to schedule the calls until we're agree on the letter internally — targeted for next week.

Peter

On Mar 26, 2020, at 7:47 AM, Martinson, Mathew <Martinson.Mathew@epa.gov> wrote:

Good morning ECAD, ORC, OOO, and Ag Sector colleagues,

As I was reflecting on my to-do list and priorities, and want to confirm where we're at for our LUB GWMA inquiry. Let me know if I've summarized correctly, or if I missed something in email:

- 1) We are going to reach out to each of the listed contacts to have more in-depth discussion with questions. Next Action: We need to set dates and decide who's leading each conversation. We also need to refine the list of questions. Date: TBD
- 2) Email RA/DRA. Next Action: Based on the below, Tony is going to send the below email update to the RA/DRA, WD Director, and ECAD Director. Date: TBD
- 3) Develop a follow-up letter to the State Agencies. Next Action: Decide who will draft the letter, and decide who will be the recipient of the letter. Date: TBD

Did I summarize our status accurately?

Thanks,
Mat

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From: Barber, Anthony <Barber.Anthony@epa.gov>
Sent: Thursday, March 19, 2020 4:08 PM
To: Martinson, Mathew <martinson.mathew@epa.gov>; Contreras, Peter <Contreras.Peter@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; Edmondson, Lucy

<Edmondson.Lucy@epa.gov>

Subject: RE: LUBGWMA/Nitrates

Here are the lead points of contact for those follow up discussions with the state agencies:

ODEQ – Justin Green

ODA – Stephanie Page

OHA – Gabriella Goldfarb

OrSHA - Garnet Cooke (Garnet.R.Cooke@state.or.us) referred to us by ODA for farm worker housing and related issues.

From: Barber, Anthony

Sent: Thursday, March 19, 2020 4:00 PM

To: Martinson, Mathew <Mathew.Martinson@epa.gov>; Contreras, Peter <Contreras.Peter@epa.gov>; Kenknight, Jeff <Jeff.Kenknight@epa.gov>; Cara Steiner-Riley (Steiner-Riley.Cara@epa.gov) <Steiner-Riley.Cara@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>

Subject: LUBGWMA/Nitrates

This is to follow up to our management-level call with Oregon state agencies yesterday regarding nitrates concerns in the Lower Umatilla Basin GWMA.

I'm asking you to review the summary below, which I prepared with an update email to Chris, Michelle, Ed, and Dan in mind. After any changes from feedback from you I will send it to them and copy all of you.

The following were on the call:

EPA: Anthony Barber, Jeff Kenknight, Peter Contreras, Nick Peak, Clark Thurmon

ODA: Stephanie Page, Marganne Allen

ODEQ: Justin Green, Linda Hayes-Gorman, David Anderson

OHA: Gabriella Goldfarb, David Emme

We discussed the petition EPA received in January and our concerns and evaluation of the conditions within the LUBGWMA, especially focusing on whether an imminent and substantial endangerment to human health exists. We verbally went through a list of draft questions with the state agencies, the answer to which will help us close information gaps for our evaluation.

The discussion went well, and each agency will be providing an individual point of contact we can work with to fine tune the requested data and information we need and help coordinate the agencies responses to our request. We plan to work with each of those contacts over the next several days to ensure we are on target for what we are asking. The interest here is to ensure that we are asking for the most helpful information in the most efficient and intelligible manner, and that we aren't missing things. Once that coordination has been accomplished, we will draft a letter to each agency to request the information in writing (signed by ECAD Director or RA?). Once the letter is drafted, we plan to convene an update briefing for the RA.

It is worth noting that we learned that 1) the planned April 2nd LUBGWMA meeting where we were going to have Eric Winiecki present has now been canceled due to COVID-19 concerns, and 2) the Draft 2nd LUBGWMA Action Plan is now out for a 60-day public comment period through May 8th. DEQ will have 30 days after that to act on the plan.

Anthony L. Barber, PE

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